

Regulation and Policy Management
10000 Goethe Road, Suite B
Sacramento, CA. 95827



March 2, 2009

NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

The full text of the amendments to the California Code of Regulations, Inmate Transfers, California Out of State Facility (COCF), is provided in its original underline and strikethrough format.

Changes to the original text are indicated by **bold face type** with **double underlining** for additional added text, and **bold face type** with **double strikethrough** for additional deleted text (e.g. **Classification** and **~~Committee~~**).

In the attached text:

Subsection 3190(b)(2) has been amended to ensure that inmates transferred to an out of state facility are permitted to possess personal property in the out of state facilities consistent with what they would have been permitted to possess had they remained in a CDCR institution.

Subsection 3379(a)(9)(B) has been amended to include the last involuntary transfer priority level specified in the Governor's Emergency Proclamation issued on October 4, 2006, which provides that CDCR shall prioritize for involuntary transfer: "Other inmates as deemed appropriate by the CDCR Secretary." In determining which inmates fall within this final involuntary transfer priority level, it is necessary for CDCR to identify certain inmates or groups of inmates as ineligible for transfer based on disciplinary considerations, security concerns, or other case factors.

Subsection 3379(a)(9)(F)(2) has been amended to comply with mandates of a court order in *Coleman v. Schwarzenegger* issued November 6, 2006 which bars any inmates participating in the Mental Health Services Delivery System from being transferred to a California Out of State Facility whether voluntary or involuntary.

Subsection 3379(a)(9)(G) has been amended to comply with the mandates of a federal court order issued November 30, 2006, regarding transfers of class members under the *Armstrong v. Schwarzenegger* and *Clark v. Schwarzenegger* cases, and a federal court order issued November 6, 2006 regarding transfers of class members and other inmates covered under the Program Guides of *Coleman v. Schwarzenegger*.

The 15-Day comment period on these changes shall close on March 17, 2009. Submit any comments to Timothy Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, 10000 Goethe Road, Suite B, Sacramento, CA. 95827; fax to (916) 255-5601; or by e-mail at RPMB@cdcr.ca.gov; before the close of the public comment period. Comments must be received no later than 5:00 p.m. on March 17, 2009.

Only those comments relating directly to the enclosed post-hearing changes that are indicated by **bold face type** with **double underlining** and **double strikethrough** will be considered.

Original signed by:

TIMOTHY M. LOCKWOOD, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation